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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 8, 2008.


John J. Kelly, Jr. Reg. No.: 29,182



Examiner : P. Sluby
Art Unit : 1509
Docket No. : 52433/354

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AUG 13 2008

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : H. NISHIDA et al.
Serial No. : 08/295,686
Filed : August 24, 1994
For : PROCESS FOR PRODUCTION OF EASY-OPEN CAN LID MADE
OF RESIN LAMINATED METAL SHEET, EASY-OPEN CAN LID,
AND RESIN LAMINATED METAL SHEET FOR EASY-OPEN
CAN LID

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATUS REQUEST
PETITION UNDER 37 C.F.R. §1.137(a)
FOR REVIVAL OF ABANDONED APPLICATION**

SIR:

A Petition Under 37 C.F.R. §1.137(a) For Revival Of Abandoned Application for the above-identified patent application was filed November 9, 1995 (Certificate of Mailing dated November 7, 1995).

A true copy of a post card receipt evidencing actual receipt of the Petition by the United States Patent and Trademark Office on November 9, 1995 is enclosed. The original post card receipt is in the files of Kenyon & Kenyon LLP, New York, New York and is maintained in the files of Kenyon & Kenyon LLP, New York, New York in the ordinary course of business.

Applicants have received no response to the Petition from the United States Patent and Trademark Office.

Please advise of the status of the Petition Under 37 C.F.R. §1.137(a) For Revival Of Abandoned Application filed November 9, 1995.

A copy of the Petition, Exhibits A to D of the petition, and the Transmittal Letter for the Petition are enclosed.

Please charge any required fee associated with this status request or any required fee associated with the Petition to Deposit Account No. 11-0600. A duplicate of this paper is enclosed for Deposit Account charging purposes.

Notification of the status of the Petition is respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

By: *John J. Kelly, Jr.*
John J. Kelly, Jr.
Reg. No. 29,182

Dated: August 8, 2008

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

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APPL NO. 08/295,686

AUG 13 2008

COPY OF POST CARD RECEIPT

OFFICE OF PETITIONS



BACK

Case No. 52-33/354

Atty. JJK

Ser. No. 295,686

Due Date

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of: Nippon/Aoki

☐ Application

☐ Extension Request

☐ Amendment

☐ Priority Document

☐ Assignment

☐ Issue Fee

☐ Notice of Appeal

☐ Declaration

☐ Prior Art Statement

☐ Small Entity

☐ Appeal Brief

☒ Petition to Revive



Exhibits A-D

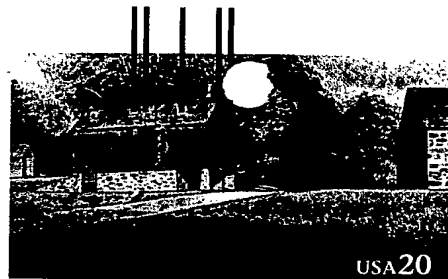
Dep. Acct. No. 11-0600

11/7/95

FRONT

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KENYON & KENYON
ONE BROADWAY
NEW YORK, N.Y.

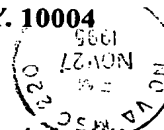
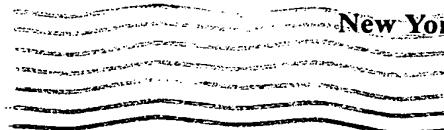
Nov 29 11 15 AM '95



Kenyon & Kenyon

One Broadway

New York, N.Y. 10004



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AUG 13 2008

OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on November 7, 1995.

John J. Kelly, Jr.
John J. Kelly, Jr.

Reg. No.: 29,182

Examiner: P. Sluby
Art Unit: 1509

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : H. NISHIDA et al.
Serial No. : 08/295,686
Filed : August 24, 1994
For : PROCESS FOR PRODUCTION OF EASY-OPEN CAN
LID MADE OF RESIN LAMINATED METAL
SHEET, EASY-OPEN CAN LID, AND RESIN
LAMINATED METAL SHEET FOR EASY-OPEN CAN
LID

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

TRANSMITTAL OF PETITION UNDER 37 C.F.R. § 1.137(a)

Sir:

Transmitted herewith is a Petition under 37 C.F.R. § 1.137(a) to revive the above-identified unavoidably abandoned patent application.

Please charge the petition fee of One Hundred Ten Dollars (\$110.00) required by 37 C.F.R. § 1.17(1) to Deposit Account 11-0600. Please charge any deficiency of fee or additional fee due in connection with this petition to Deposit Account 11-0600. Please credit any overpayment of fee to Deposit Account 11-0600. A duplicate of this paper is enclosed for deposit account charging purposes.

Respectfully submitted,

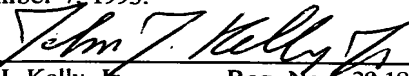
KENYON & KENYON

By: *John J. Kelly, Jr.*

John J. Kelly, Jr.
Reg. No. 29,182

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New York, New York 10004
(212) 425-7200

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on November 7, 1995.


John J. Kelly, Jr.

Reg. No.: 29,182

Examiner: P. Sluby
Art Unit: 1509

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : H. NISHIDA et al.
Serial No. : 08/295,686
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For : PROCESS FOR PRODUCTION OF EASY-OPEN CAN
LID MADE OF RESIN LAMINATED METAL
SHEET, EASY-OPEN CAN LID, AND RESIN
LAMINATED METAL SHEET FOR EASY-OPEN CAN
LID

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. § 1.137(a)
FOR REVIVAL OF ABANDONED APPLICATION**

Sir:

Applicants respectfully petition under 37 C.F.R. § 1.137(a) for revival of the abandoned above-identified patent application. Applicants maintain that abandonment of the above-identified patent application was unavoidable on the part of the applicants. Applicants maintain that abandonment of the above-identified patent application was due to error on the part of the Patent and Trademark Office ("PTO").

Deposit Account authorization to charge the petition fee set forth in 37 C.F.R. § 1.17(1) has been given in the paper transmitting this Petition.

A Notice Of Abandonment of the above-identified patent application was mailed on October 17, 1995. The Notice of Abandonment advised that the application was abandoned in view of the applicants failure to respond to the Office letter mailed March 24, 1995.

Applicants maintain that a Response to the Office letter mailed March 24, 1995, along with a Petition Under 37 C.F.R. § 1.136(a) for a three (3) month extension of time to respond, were mailed by certificate of mailing dated September 20, 1995 (copy attached hereto as Exhibit A) and were actually received by the PTO on September 22, 1995 as evidenced by a post



card receipt stamped September 22, 1995 by the Mail Room of the PTO (copy attached hereto as Exhibit B).

The applicants submit copies of the following documentation in support of this petition.

A. Exhibit A. Copy of the response to the Office letter mailed March 24, 1995 which comprises (i) a Transmittal Letter, (ii) Petition For Extension Of Time Pursuant To 37 C.F.R. § 1.136(a), and (iii) a Response. Each of the foregoing papers of Exhibit A contains a certificate of mailing pursuant to 37 C.F.R. §1.8 dated September 20, 1995. The undersigned attorney verifies that the signature appearing on the certificate of mailing and the signature lines of the papers identified as (i), (ii) and (iii) are copies of his signature. The undersigned attorney hereby verifies that the papers comprising Exhibit A are true copies of papers maintained in the files of the New York City office of the law firm of Kenyon & Kenyon, that such files are maintained in the ordinary course of business, and it is the ordinary course of business to maintain such files.

B. Exhibit B. A copy (front and back) of a post card receipt date stamped September 22, 1995 by the Mail Room of the PTO. The back of the post card bearing the date stamp contains the relevant serial number, 295,686, and identifies a Response and Extension Request. The undersigned attorney hereby verifies that Exhibit B is a true copy of a post card receipt maintained in the files of the New York City office of the law firm of Kenyon & Kenyon, that such files are maintained in the ordinary course of business, and it is the ordinary course of business to maintain such files.

C. Exhibit C. Copy of the outgoing mail log of the New York office of the law firm of Kenyon & Kenyon for mail mailed to the Commissioner of Patent and Trademarks on September 20, 1995. The Response and the Request For Extension Of Time for the subject application are highlighted in yellow in Exhibit C. The undersigned attorney hereby verifies that Exhibit C is a true copy of a business record of the New York City office of the law firm of Kenyon & Kenyon, such record being maintained in the ordinary course of business, and it being in the ordinary course of business to maintain such a record.

D. Exhibit D. Copy of DOCKET LOGBOOK page of the Docket Department of the New York City office of the law firm of Kenyon & Kenyon. The undersigned attorney verifies that in the ordinary course of business correspondence to be mailed to the Commissioner of Patent and Trademarks is entered in the DOCKET LOGBOOK, processed for record keeping purposes, and then mailed on the date of entry for entries made during business hours. The entry for the response in the above-identified patent application Ser. No. 08/295,686 on 9/20 (1995) is shown highlighted in yellow on Exhibit D. The undersigned attorney hereby verifies that Exhibit D is a true copy of a business record of the New York City office of the law firm of Kenyon & Kenyon, such record being maintained in the ordinary course of business, and it being in the ordinary course of business to maintain such a record.

It is submitted that the foregoing demonstrates that abandonment was unavoidable on the part of the applicants and abandonment resulted from error on the part of the PTO.

It is therefore respectfully requested that the above-identified patent application be revived.

Respectfully submitted,

KENYON & KENYON

By: John J. Kelly, Jr.
John J. Kelly, Jr.
Reg. No. 29,182

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